



DEPARTMENT OF HEALTH & HUMAN SERVICES

Health Resources and Services
Administration

HIV/AIDS BUREAU

MAR 19 2008

Rockville MD 20857

Law & Policy: Policy Notice - 08-01

Title: The Use of Ryan White HIV/AIDS Program Funds
for Housing Referral Services and Short-term
or Emergency Housing Needs

Date:

To: All Ryan White HIV/AIDS Program Grantees

Attached is the HIV/AIDS Bureau (HAB) updated policy describing the use of Ryan White HIV/AIDS Program funds for housing referral services and short-term or emergency housing needs. This policy was originally published in 1997 as Policy Notice 97-02 - *Emergency Assistance for Eligible Individuals* and subsequently replaced by Policy Notice 99-02 - *The Use of Ryan White Comprehensive AIDS Resources Emergency (CARE) Act funds for Housing Referral Services and Short-term or Emergency Housing Needs*. The Health Resources and Services Administration (HRSA)/HAB Policy Notice 99-02 Amendment 1, as addressed in the February 26 Federal Register Notice, is newly entitled Policy Notice 08-01 - The Use of Ryan White HIV/AIDS Program Funds for Housing Referral Services and Short-term or Emergency Housing Needs.

In response to the United States Senate Finance Committee's request to investigate the use of Ryan White funds for housing services, the Department of Health and Human Services, Office of the Inspector General (OIG), conducted an investigation in 2004. The OIG determined that housing services exceeded a "reasonable" time limitation as evidenced by some clients receiving housing services for a 4-8 year consecutive time period. As such, the OIG instructed HRSA to clarify the definition of short-term and emergency housing assistance by establishing a time limit.

On December 6, 2006, a proposed amendment of HAB Policy Notice 99-02 was published in the Federal Register. During the 60-day public comment period, ending February 5, 2007, HRSA received over 200 comments. There were several comments in favor of the draft policy stating that the

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proposed changes allow for more funds to be allocated to life-saving core medical services, including medications. Three main areas of concern were raised and addressed: allowing sufficient time to implement the policy, the grandfathering of clients currently receiving housing service, and the 24-month timeframe being seen as too restrictive. In response, HRSA addressed the requested time for implementing the policy by providing 1-year for comment review; HRSA agreed that the 24-month time period not be retroactive; and HRSA retained the 24-month time period per household to comply with OIG and better define short-term and emergency housing.

The amendment of Policy Notice 99-02 reflects considerations and modifications based on public comment. In addition, the policy reflects the new nomenclature in Title XXVI of the Public Health Service Act as amended by the Ryan White HIV/AIDS Treatment Modernization Act of 2006 (Ryan White HIV/AIDS Program) and establishes guidelines for the use of Part A, Part B, and Part D of the Ryan White HIV/AIDS Program funds for allowable expenditures for housing referral services and time limited short or emergency housing services for eligible persons living with HIV/AIDS.

This policy becomes effective March 27. If you have any questions regarding the content of this Policy Notice, please contact your project officer.

A handwritten signature in dark ink, appearing to read "Deborah W. Hopson", with a small circular stamp or mark to the right.

Deborah Parham Hopson, Ph.D., R.N.
Assistant Surgeon General
Associate Administrator

Attachment

HRSA HAB Policy Notice -08-01

Document Title: The Use of Ryan White HIV/AIDS Program Funds for Housing Referral Services and Short-term or Emergency Housing Needs

The following policy establishes guidelines for allowable housing-related expenditures under the Ryan White HIV/AIDS Program. The purpose of all Ryan White HIV/AIDS Program funds is to ensure that eligible HIV-infected persons and families gain or maintain access to medical care.

A. Funds received under the Ryan White HIV/AIDS Program (Title XXVI of the Public Health Service Act) may be used for the following housing expenditures:

i. Housing referral services defined as assessment, search, placement, and advocacy services must be provided by case managers or other professional(s) who possess a comprehensive knowledge of local, State, and Federal housing programs and how they can be accessed; or

ii. Short-term or emergency housing defined as necessary to gain or maintain access to medical care and must be related to either:

a. Housing services that include some type of medical or supportive service (a listing of supportive services can be found at: <http://hab.hrsa.gov/reports/data2b.htm>) including, but not limited to, residential substance abuse treatment or mental health services (not including facilities classified as an Institution for Mental Diseases under Medicaid), residential foster care, and assisted living residential services; or

b. Housing services that do not provide direct medical or supportive services but are essential for an individual or family to gain or maintain access to and compliance with HIV-related medical care and treatment. Necessity of housing services for purposes of medical care must be certified or documented by a case manager, social worker, or other licensed healthcare professional(s).

B. Short-term or emergency housing assistance is understood as transitional in nature and for the purposes of moving or

maintaining an individual or family in a long-term, stable living situation. Such assistance is limited to a cumulative period of 24-months per household. Short-term or emergency assistance must be accompanied by a strategy to:

- i. Identify, relocate, and/or ensure the individual or family is moved to a long-term, stable housing; or
- ii. Identify an alternate funding source for support of housing assistance.

C. Housing funds cannot be in the form of direct cash payments to recipients or services and cannot be used for mortgage payments.

D. The Ryan White HIV/AIDS Program must be the payer of last resort. In addition, funds received under the Ryan White HIV/AIDS Program must be used to supplement but not supplant funds currently being used from local, State, and Federal agency programs. Grantees must be capable of providing the HIV/AIDS Bureau (HAB) with documentation related to the use of funds as payer of last resort and the coordination of such funds with other local, State, and Federal funds.

E. Housing-related expenses are limited to Part A, Part B, and Part D of the Ryan White HIV/AIDS Program and are not allowable expenses under Part C.

F. For all clients, new or current, the 24-month cumulative period of eligibility becomes effective as of March 27. Grantees are responsible for tracking the 24-month cumulative period of eligibility beginning on that date.